REMARKS

Claims 1-8 were pending at the time of examination, and claims 6-8 have been withdrawn from consideration. Claims 1, 3 and 5 have been amended. Claims 2 and 4 have been canceled. New claims 9-16 have been added. No new matter has been added. The applicants respectfully request reconsideration based on the foregoing amendments and these remarks.

Amendments to the specification

The specification has been amended to cross reference, and incorporate by reference, a few additional related cases. All of these cases were recited in the parent case, now U.S. Patent No. 6,381,737, of this pending application.

Election / Restrictions

The applicants hereby confirm the provisional election made by Michael Ferrazano on February 17, 2005, without traverse to prosecute Group I, claims 1-5, and confirm that Group II (i.e., claims 6-8) is withdrawn from consideration by the Examiner.

Claim Objections

Claim 3 was objected to by the Examiner because of the incorrect spelling of the word "identifies" on line 5. The applicants have corrected the spelling and submit that the objection to claim 3 should be removed.

Claim Rejections – 35 USC § 101

Claim 5 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, claim 5 was rejected because the recited "data signal embodied in a carrier wave" does not limit the claimed product to tangible products and media, and an intangible product constitutes a non-statutory manufacture. The applicants have amended claim 5 to remove the language reciting "data signal embodied in a carrier wave" and submit that claim 5 now is directed to statutory subject matter, and that the rejection under 35 USC § 101 be removed.

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Claim Rejections – 35 U.S.C. § 102

Claims 1-5 were rejected under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 5,675,804 to Sidik et al. (hereinafter "Sidik"). The applicants respectfully traverse these rejections.

Claim 1 has been amended by incorporating the language of claim 2, which has been canceled, and by providing some further clarifying language and limitations. Claim 1, as amended recites "a method for generating an adapter/stub for a virtual machine during runtime." That is, the method generates an adapter/stub; the stub is generated for a virtual machine, such as a Java virtual machine, which has been extensively described in the specification; and the generation of the adapter/stub is performed during runtime. None of these features are shown in Sidik. Sidik is directed to "a system and method for enabling a compiled computer program, written in a compiled computer programming language, to invoke an interpretive computer program, written in an interpretive computer programming language" (col. 3, lines 9-13). This is not the same as a method for **generating** an adapter/stub. In fact, Sidik never addresses the generation of the adapter/stub code. Sidik only refers to **compilation** of adapter code, and does not provide any details for how this compilation occurs, but merely states that "The process for compiling the adapter code 304 for each target computer platform will be apparent to persons skilled in the relevant art(s)" (col. 5, lines 64-67).

Furthermore, Sidik does not disclose generating an adapter/stub for a virtual machine, as required by claim 1. As was discussed in the previous paragraph, Sidik does not show any adapter/stub generation whatsoever. With respect to where the adapters/stubs are used, Sidik merely discloses that "The adapter code 304 is in object form suitable for each target computer platform" (col. 5, lines 52-53) and explains that a target computer platform is "a computer running specific operating system software where the stored procedure 122 is required to execute" (col.5, lines 54-56). No virtual machines are mentioned in Sidik.

Also, as can be seen in claim 1, the generation of the adapter/stub code in the applicants' invention takes place during runtime. Sidik does not disclose any adapter/stub generation during runtime. In fact, not even the compilation that is suggested in Sidik takes place during runtime. Sidik states that "Compilation of the adapter code 304 is preferably performed prior to the distribution of the adapter code" (col 5, lines 62-63).

Claim 1 further contains the steps of "providing a stub representation to a compiler for compilation;" and "generating object code based upon the compilation," respectively. Thus, as part of the adapter/stub generation, a stub representation is compiled. This is not shown in Sidik. Not only does Sidik state that the compilation of the adapter code is performed before the adapter

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code is distributed, as was discussed in the previous paragraph, but Sidik also states that "The invention does not require any compilation of the interpretive computer program or its pre-compiled adapter. The invention requires only that the pre-compiled adapter for the interpretive computer program to be linked" (col.3, lines 22-25). For at least these reasons, the applicants submit that claim 1 is neither anticipated by nor rendered obvious in view of the cited art, and respectfully request that the rejection of claim 1 be withdrawn.

Independent claim 3 is a *Beauregard* claim corresponding to claim 1. The applicants submit that claim 3 is neither anticipated by nor rendered obvious in view of the cited art, for at least the reasons that were discussed above with respect to claim 1, and respectfully request that the rejection of claim 3 be withdrawn.

New claims 9-16 have been added to provide further features of the adapter/stub generation method and its corresponding computer program product. No new matter has been added. Support for claims 9 and 13, and for claims 10 and 14, respectively, can be found in FIG. 7 and the associated parts of the specification. Support for claims 11 and 15, and for claims 12 and 15, respectively, can be found on page 16, lines 4-7, of the specification.

Conclusion

The applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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